

REMARKS

By this Amendment, Applicants amend claims 1, 12, and 24 and cancel claims 23 and 25, without prejudice or disclaimer of the subject matter contained therein. Thus, claims 1-22, 24 and 26 are pending in this application. Support for amended claims 1 and 12 may be found at least in paragraphs [0038] and [0061] of Applicants' specification as well as in canceled claims 23 and 25. No new matter is added. Applicants respectfully request consideration and prompt allowance of the claims at least in light of the following remarks.

Applicants gratefully acknowledge the Office Action's indication that claims 23 and 24 recite allowable subject matter. As discussed below, Applicants incorporate the features of claim 23 into claim 1.

The Office Action objects to claims 1 and 12 under 35 U.S.C. §112, first paragraph, for lacking written description in the specification. Applicants respectfully traverse the rejection.

Although Applicants believe the term "diesel" is supported by the specification as originally filed, Applicants' amend claims 1 and 12 to delete this term to obviate the rejection. Applicants respectfully request withdrawal of the rejection.

The Office Action rejects claims 1-22 and 25-26 under 35 U.S.C. §102(b) over U.S. Patent 5,974,788 to Hepburn et al. (hereinafter "Hepburn") and under 35 U.S.C. §102(b)¹ over U.S. Patent 6,502,391 to Hirota et al. (hereinafter "Hirota"). Applicants respectfully traverse the rejections.

As identified by the Office Action on page 9 in the "Allowable Subject Matter" section, both Hepburn and Hirota fail to disclose performing a temperature control process to

¹ Applicants note that Hirota does not qualify as prior art under 35 U.S.C. 102(b), because it was patented less than a year prior to Applicants' U.S. filing date. However, because Hirota qualifies as prior art under §102(e), Applicants traverse the rejection.

control the temperature of the emission control device to be within a predetermined temperature range whose lower limit is substantially equal to or higher than a desulfurization temperature and to raise the temperature of the emission control device only when the air/fuel ratio of exhaust gas is leaner than or equal to the stoichiometric air/fuel ratio, as recited in canceled claim 23. By this Amendment, Applicants incorporate these allowable features into claims 1 and 12. Accordingly, claims 1 and 12 are allowable for at least the reasons that canceled claim 23 was indicated as allowable.

Further, Applicants respectfully submit that dependent claims 2-11, 13-22, 24, and 26 are allowable for at least the reasons that claims 1 and 12 are allowable, as well as for the additional features they recite. Applicants respectfully request withdrawal of the rejections.

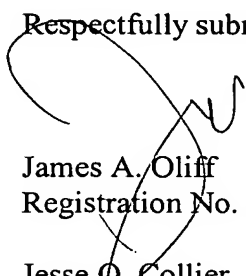
Applicants note that although the Office Action indicates claims 23 and 24 as reciting allowable subject matter, the Office Action rejects claims 25 and 26, that recite the identical subject matter as recited in allowable claims 23 and 24, respectively. Applicants believe the rejection of claims 25 and 26 to be in error. Applicants note that in rejecting claims 25 and 26, on pages 5, 6, and 8, the Office Action only addresses the features of claims 11 and 22, not claims 25 and 26.

Finally, with respect to the drawings, Applicants respectfully submit that formal drawings were submitted on July 14, 2003. There have been no objections to the drawings. Applicants respectfully request that any subsequent action indicates the July 7, 2003 drawings are accepted.

In view of at least the foregoing, Applicants respectfully submit that this application is in condition for allowance. Applicants earnestly solicit favorable reconsideration and prompt allowance of claims 1-22, 24, and 26.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, Applicants invite the Examiner to contact the undersigned at the telephone number set forth below.

Respectfully submitted,


James A. Oliff
Registration No. 27,075

Jesse O. Collier
Registration No. 53,839

JAO:JOC/tea

Date: November 14, 2005

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
